

States to offer in-state tuition to these students. It is a State decision. Each State decides. It would simply return to States the authority to make that decision.

It is not just the right thing to do, it is a good thing for America. It will allow a generation of immigrant students with great potential and ambition to contribute fully to America.

According to the Census Bureau, the average college graduate earns \$1 million more in her or his lifetime than the average high school dropout. This translates into increased taxes and reduced social welfare and criminal justice costs.

There is another way our country would benefit from these thousands of highly qualified, well-educated young people who are eager to be part of America. They want to serve, many of them, in our military. At a time when our military is lowering its standards due to serious recruiting shortfalls, we should not underestimate the significance of these young people as a national security asset.

The Department of Defense has shown increased interest in this bill, understanding that there is a talent pool of these young people who are technically undocumented but want to live in the United States and serve our country. They need that talent. We need that talent as a nation.

On July 10, the Senate Committee on Armed Services held a hearing on the contributions of immigrants to the military. David Chu, the Under Secretary of Defense for Personnel and Readiness, said the following:

There are an estimated 50,000 to 65,000 undocumented alien young adults who enter the United States at an early age and graduate from high school each year, many of whom are bright, energetic and potentially interested in military service. They include many who have participated in high school Junior ROTC programs. Under current law, these people are not eligible to enlist in the military. If their parents are undocumented or in immigration limbo, most of these young people have no mechanism to obtain legal residency even if they have lived most of their lives here. Yet many of these young people may wish to join the military, and have the attributes needed—education, aptitude, fitness and moral qualifications. In fact, many are High School Diploma Graduates, and may have fluent language skills—both in English and their native language . . . the DREAM Act would provide these young people the opportunity of serving the United States in uniform.

If we are talking about making America more secure safe, why would we turn our backs on the opportunity for these young people who came to America at an early age, who have beaten the odds by graduating from high school, who have good moral character and want to be part of our future, why would we turn down their opportunity to serve in our military?

The DREAM Act is supported by a broad coalition of the Senate, by religious leaders, advocates across the country, and educators across the political spectrum. Any real and com-

prehensive solution to the problem of illegal immigration must include the DREAM Act.

The last point I make is this: We are asked regularly here to expand something called an H-1B visa. An H-1B visa is a special visa given to foreigners to come to the United States to work because we understand that in many businesses and many places where people work—hospitals and schools and the like—there are specialties which we need more of.

I can recall Bill Gates coming to meet me in my office. Of course, his success at Microsoft is legendary. He talked about the need for computer engineers and how we had to import these engineers from foreign countries to meet the need in the United States. He challenged me. He said: If you will not allow me to bring the computer engineers in, I may have to move my production offshore, and I don't want to do that.

That is an interesting dilemma. Now put it in the context of this conversation. Why would we tell these young people, who have beaten the odds and shown such great potential, to leave America at this moment and then turn around in the next breath and say we are going to open the gates of America for other foreigners to come in and make our economy stronger? Why aren't we using these young people as a resource for our future? They have been here. They have lived here for a long period of time. They understand America. They are acculturated to America, and they want to make America better.

Instead of looking overseas at how we can lure more people in to strengthen our economy, we need only look right here at home. As Mr. Chu, from the Department of Defense, said there are 50,000 to 65,000 of these students each year. Why would we give up on them when they can be not only tomorrow's soldiers, marines, sailors, and airmen, but they can be tomorrow's doctors, scientists, and engineers?

If given the opportunity, and I certainly hope I will on this bill, I will offer the DREAM Act. I want my colleagues to join me on a bipartisan basis.

I walk around in the city of Chicago and other places in my State, and a number of young people who would be benefited by this bill come up to me. They tell me stories which are inspiring in one respect and heartbreaking in another—inspiring because some of them, with no help, no financial aid, have made it through college. One of them, a young man I continue to follow with great anticipation, is now working on a master's degree. He wants to go into medical research. He is good. He is a great scientist, a young scientist who wants to make this a better world. He is one of these undocumented kids, now a young man. Why would we give up on him?

These high school students who have worked so hard in neighborhoods and

communities where it is very tough to succeed, they turn their backs on crime, drugs, and all the temptations out there and are graduating at the top of their class, they come to me and say: Senator, I want to be an American; I want to have a chance to make this a better country. This is my home. They ask me: When are you going to pass the DREAM Act? I come back here and think: What have I done lately to help these young people?

We can do something. It is not for me; it is not for the Senate; it is for this country. Let's take this great resource and let's use it for our benefit as a nation. We will be a stronger and better nation if we do.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

The question is on agreeing to the motion to proceed to H.R. 6061.

The motion was agreed to.

The PRESIDING OFFICER. The Senate will now proceed to the consideration of H.R. 6061, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 6061) to establish operational control over the international land and maritime borders of the United States.

AMENDMENT NO. 5031

Mr. FRIST. Mr. President, I send an amendment to the bill to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. FRIST) proposes an amendment numbered 5031.

At the end of the bill, add the following:

This Act shall become effective 2 days after the date of enactment.

Mr. FRIST. Mr. President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5032 TO AMENDMENT NO. 5031

Mr. FRIST. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. FRIST) proposes an amendment numbered 5032 to amendment No. 5031.

Mr. FRIST. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 1 of the amendment, Strike "2 days" and insert "1 day".

#### MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a

period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO JUDGE JAMES DEANDA

Mr. REID. Mr. President, last week, hundreds of family, friends, and admirers gathered in Houston, TX, to honor the life of a WWII veteran, legal giant, and true American hero, U.S. district judge James DeAnda. Judge DeAnda died last Thursday, September 7, 2006, at the age of 81. Throughout his life, he quietly went about his work of ensuring that Hispanic Americans were guaranteed the same protections and rights afforded them in our Constitution.

Today, we mourn his passing and pay tribute to his important contributions to this Nation. I am joined by Senator SALAZAR, who is familiar with the importance of Judge DeAnda's legacy. Senator SALAZAR, what do you believe are Judge DeAnda's most important legal victories?

Mr. SALAZAR. Thank you, Senator REID, for your recognition of Judge DeAnda. One of his most significant cases came in 1954, when he worked on and argued a little-known but enormously significant case before the U.S. Supreme Court. I should also mention that Judge DeAnda, together with a legal team of three other Mexican-American attorneys, were the first Mexican-American attorneys to argue before the highest Court in our land.

In *Hernández v. Texas*, Judge DeAnda believed that their client, Pete Hernandez, could not receive a fair and impartial trial unless members of other races served on the jury. Through careful research, Judge DeAnda showed that Hispanics in Jackson County, TX, were essentially barred from serving as jurors despite comprising a significant proportion of the population at the time. In fact, no Hispanic had served on any jury in Jackson County for a quarter century. The Supreme Court agreed and overturned the murder conviction. They unanimously ruled that Mexican Americans and all other racial groups in the United States had equal protection under the 14th amendment of the U.S. Constitution.

Despite this major legal victory, the Hernandez case was overshadowed by a companion case, *Brown v. Board of Education*, which was decided just a week later. But the results of this decision are evident in American courtrooms everywhere. Because of this decision alone, Judge DeAnda holds a special place in our country's history and our quest to become a more inclusive America.

Mr. REID. Yes, I agree with the Senator from Colorado. Judge DeAnda no doubt played a key role in our Nation's history. He was a key leader in the Latino civil rights movement who worked tirelessly to foster legal equal-

ity for Latinos and all Americans. Like many great Americans, Judge DeAnda rose from humble beginnings.

The son of Mexican immigrants, Judge DeAnda was born in Houston, TX. He interrupted his college education at Texas A&M University to join the Marines during World War II, serving in the Pacific and then later China. When he returned from the war, he completed his studies and then enrolled in the University of Texas Law School in 1950, where he was among the first Hispanics admitted.

Beyond the Hernandez case, Judge DeAnda took on countless other cases in his fight to end segregation of Hispanics in Texas. In 1968, he went before the Supreme Court in the case of *Cisneros v. Corpus Christi ISD*, a case that led to the desegregation and increased funding of schools in that city. It was also during that year that Judge DeAnda helped to establish one of the most respected national Hispanic organizations, the Mexican American Legal Defense and Educational Fund, MALDEF. Senator SALAZAR, would you say that the founding of MALDEF has empowered the Hispanic community in our country?

Mr. SALAZAR. As a Hispanic who grew up in the Southwest, I can say that the impact of MALDEF's establishment has been profound. As the Hispanic community's legal advocate, MALDEF has taken on cases throughout the country. In my own State, their work has helped improved access to equal education for Hispanics.

Judge DeAnda was also actively involved with Hispanic organizations like the League of United Latin American Citizens, LULAC, and the American G.I. Forum. By working with MALDEF, they ensured that Hispanic veterans, who gave the ultimate sacrifice on the battlefield, were not denied burial in our veterans cemeteries. Judge DeAnda's leadership was visionary and was recognized by President Jimmy Carter in 1979, who nominated him to serve as a Federal judge in the Southern District of Texas. At the time of his appointment, he was only the Nation's second Mexican-American Federal district judge.

Despite all of his contributions to the Latino community, Judge DeAnda never sought the limelight. He only strove to ensure equal rights for all in this country through his thorough representation and fair consideration of those who came before his court. I find his own words to be the most telling. He is said to have told a group of law school students once, "You will find law to be a most satisfying career because of the service you can give your fellow man. I know of no other endeavor in which you can bring about healthy change and make a decent living. You can live well and do good."

Judge DeAnda certainly did good and we are grateful to him for his service.

Mr. REID. We are truly indebted to Judge DeAnda. Indeed, it is only fitting that as our Nation begins a month-long

celebration of Hispanic contributions to America during Hispanic Heritage Month, we take this time to acknowledge Judge DeAnda. We are deeply saddened by his passing but are also inspired by his example as we carry on the struggle to ensure equity for all Americans. His life-long dedication to the protection of Americans has made him an icon in the legal profession and a pioneer of the American civil rights movement.

Judge DeAnda will be missed by all, but certainly by his wife Joyce and their four children. They are in our thoughts and prayers.

#### LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On December 6, 2003, in Largo, FL, William McHenry was stabbed to death by Lucas McCauley. McCauley, a straight man, followed McHenry home from Club Z109, a bar that caters to gay and transgendered people. After arriving at his home, McHenry was attacked and stabbed by McCauley. According to police, the motivation for the attack was the victim's sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### HATE CRIME

Ms. CANTWELL. Mr. President, the Jewish New Year is a time for celebration, prayer, and reflection. As friends and family commemorate the high holy days which begin tomorrow evening, Jewish communities across Washington State and around the world will come together, consider the past, and look to the year ahead.

Rosh Hashanah brings new beginnings and new energy; Yom Kippur calls for atonement and forgiveness. These ideals extend beyond religion or race—they build common ground and inspire shared sacrifice. All of this was threatened by an act of senseless violence and hate this summer in Seattle. We cannot give in to that hate.

During these days of repentance and renewal, I share a commitment to ending violence and to living with one another in peace both around the world and here in our own communities.

Yet we are still shocked and saddened by the pain and loss of July 28,